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**SPECIAL PROGRAMS OFFICE
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ON PETITION

Joseph E. Gerber
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400 Capitol Mall, 11th Floor
Sacramento, CA 95814

In re Application of
Davis et al.
Application No. 09/328,856
Filed: June 9, 1999
Attorney Docket No. 3144.01A

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This a decision on the petition under 37 CFR 1.137(b), filed August 17, 2000, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed July 2, 1999. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 3, 1999.

On July 2, 1999, the Office also mailed a Notice of Omitted Items indicating that the Office had only received the first three pages of formal drawings. The instant petition includes a postcard receipt showing that the Office received six pages of formal drawings. Apparently the last three pages of drawings were misplaced. The instant petition is not accompanied by copies of the missing three pages.

Upon petitioner filing pages 4, 5, and 6 of the drawings, the Office will:

- 1) grant the petition to revive,
- 2) accept the missing drawings as if they had been received on June 9, 1999,
- 3) schedule the petition fee of \$130 for a refund since the loss of the drawings was due to Office error,
- 4) forward the file to OIPE for further processing.

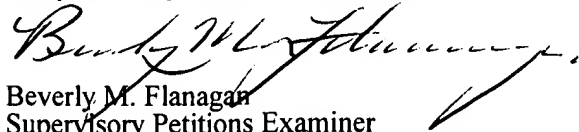
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
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Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



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